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民政事務政局  
民政事務局局长

(經辦人：民政事務局局长副秘書長  
余志穩先生)

余志穩先生：

### **《村代表選舉條例草案》**

本部曾於2002年10月18日致函閣下，現再請閣下澄清以下問題。

#### **整體意見**

在2002年10月22日的法案委員會會議上，政府當局曾提及原居民的合法權益通常指享有土葬山地、免繳地租和差餉，以及男性原居民可根據小型屋宇政策獲分配土地等利益。政府當局可否確認上文列舉的原居民合法權益已盡列無遺？若否，政府當局可否提供更多例子？

#### **條例草案第14(f)條**

與《區議會條例》(第547章)第30(f)條的類似條文比較，此項條文為何採用不同的寫法？

#### **條例草案第15(5)條**

就現居海外並曾擁有香港身份證的原居民而言，閣下可否確實表明下述說法是否正確：若有關人士符合條例草案第15(5)(c)(ii)(A)條或第15(5)(d)(i)條所載規定，並能滿足條例草案第15(5)(a)及(b)條的其他要求，則該人可根據條例草案第15(5)條登記為選民？

就並非香港永久性居民的原居民配偶而言，閣下可否確實表明下述說法是否正確：若他或她符合條例草案第15(5)(d)(ii)條所載規定(例如持有外國政府發出的身份證明文件)，並能滿足條例草案第15(5)(a)及(b)條的要求，則他或她可根據條例草案第15(5)條登記成為選民？

### **條例草案第15(6)及(7)條**

選民是否可自行作出選擇？

該選擇(如有的話)是否只對村代表選舉(一般選舉及補選)有影響？

就村代表選舉(一般選舉及補選)而言，該選擇(如有的話)是否屬不可撤回的選擇？

### **條例草案第16(e)條**

與《立法會條例》(第542章)第31(1)(e)條的類似條文比較，此項條文為何採用不同的寫法？

### **條例草案第17(2)條**

賦權選舉登記主任修訂在選民登記冊所記錄的人士的“其他個人資料”是否恰當(比照《區議會條例》第31(2)條)？

### **條例草案第22(1)條**

與條例草案第22(2)(f)條比較，為何無須規定條例草案第22(1)條所述的候選人亦須為香港永久性居民？

### **條例草案第25(3)條**

若某名選民在同時提交而為數多於指明數目的提名表格上以提名人身份簽署，這對該選民在提名表格上的簽署的效力會有何影響？

### **條例草案第49條**

由於條例草案第45(4)條規定須將有關證明書的文本交付民政事務局局長、選舉管理委員會及民政事務總署署長，若在計算有關的生效時間時，不但按民政事務總署署長接獲該證明書的日期開始計算，還按民政事務局局長及選舉管理委員會接獲該證明書的日期開始計算，這樣的做法是否恰當？

## **條例草案第58條**

就選民無權以喪失資格為理由針對某人提出法律程序的規定(比照《立法會條例》第73條)，閣下可如何從政策角度對此提出支持理據？

## **條例草案第62(3)條**

就選舉鄉事委員會幹事的選舉安排及該等選舉的進程序而言，哪些現行做法不符合香港人權法案第二十一(甲)及(乙)條的規定？

## **附表4**

(a) 對《選舉管理委員會條例》(第541章)第8條作出的修訂

是否有需要就鄉村補選的報告訂定條文？

(b) 對《選舉(舞弊及非法行為)條例》(第554章)第16(1)(c)及(2)(c)條作出的修訂

是否有需要就新訂第4(j)條的情況訂定條文？

(c) 對《選舉(舞弊及非法行為)條例》第28(5)(a)(i)條作出的修訂

是否有需要就新訂第4(j)條的情況訂定條文？

## **中文本**

隨函附上的條例草案中文文本已標明本部的意見，供閣下考慮。

謹請閣下盡早以中、英文回覆。

助理法律顧問

(林秉文)

## **連附件**

副本致：律政司  
(高級助理法律草擬專員(署理)彭士印先生)  
(傳真號碼：2845 2215)  
法律顧問  
總主任(2)2

2002年10月30日

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- (c) 在不局限 (a) 段的原則下，他被裁定或曾被裁定犯以下罪行，而選舉於或將於他被定罪的日期後的 3 年內舉行——
- (i) 作出舞弊或非法行為；
  - (ii) 《防止賄賂條例》(第 201 章) 第 II 部所訂的罪行；或
  - (iii) 選管會規例所訂明的任何罪行；
- (d) 他根據《精神健康條例》(第 136 章) 被裁斷為因精神上無行為能力而無能力處理和管理其財產及事務；或
- (e) 他是中華人民共和國或任何其他國家或地區的武裝部隊的成員。

#### 17. 選舉登記主任須編製和發表選民登記冊

- (1) 選舉登記主任須按照選管會規例——
  - (a) 於有關鄉村舉行鄉村一般選舉的日期之前的 72 日前，編製及發表該村的臨時選民登記冊；及
  - (b) 於有關鄉村舉行鄉村一般選舉的日期之前的 30 日前，編製及發表該村的正式選民登記冊。
- (2) 選舉登記主任可修訂臨時選民登記冊或正式選民登記冊，以更正任何文書上或印刷上的錯誤，或任何在選民登記冊所記錄的某人的不正確姓名或地址。
- (3) 任何鄉村的臨時選民登記冊，須以該村現有的並在編製該臨時選民登記冊時正有效的正式選民登記冊作為根據。
- (4) 選舉登記主任在為某鄉村編製臨時選民登記冊時——
  - (a) 在審查該臨時選民登記冊所根據的登記冊後，如有合理理由信納任何人不再有資格名列該村的正式選民登記冊，則須剔除其姓名及其他有關詳情；
  - (b) 須將該等人士的姓名及其他有關詳情載入遭剔除者名單；及
  - (c) 須在該登記冊上，加入在選管會規例為施行本段而訂明的日期後申請登記，並有資格名列該村的正式選民登記冊的人的姓名及其他有關詳情。

- (c) without limiting paragraph (a), where the election is to be held or is held within 3 years after the date of the person's conviction, is or has been convicted—
- (i) of having engaged in corrupt or illegal conduct;
  - (ii) of an offence against Part II of the Prevention of Bribery Ordinance (Cap. 201); or
  - (iii) of any offence prescribed by the EAC Regulations;
- (d) is found under the Mental Health Ordinance (Cap. 136) to be incapable, by reason of mental incapacity, of managing and administering his property and affairs; or
- (e) is a member of the armed forces of the People's Republic of China or any other country or territory.

#### 17. Electoral Registration Officer to compile and publish registers of electors

- (1) The Electoral Registration Officer shall compile and publish in accordance with the EAC Regulations—
  - (a) a provisional register of electors for a Village not later than 72 days before the village ordinary election date for the Village; and
  - (b) a final register of electors for the Village not later than 30 days before the village ordinary election date for the Village.
- (2) The Electoral Registration Officer may amend a provisional register or a final register so as to rectify any clerical or printing error or any incorrect name or address of a person who is recorded in the register.
- (3) A provisional register for a Village shall be based on the existing final register for the Village that is in effect at the time when the provisional register is compiled.
- (4) In compiling a provisional register for a Village, the Electoral Registration Officer shall—
  - (a) after scrutinizing the register on which the provisional register is based, strike out the names and other relevant particulars of the persons whom the Electoral Registration Officer is satisfied on reasonable grounds as being no longer eligible to have their names included in the final register for the Village;
  - (b) enter the names and other relevant particulars of those persons on an omissions list; and
  - (c) add to the register the names and other relevant particulars of the persons who have made applications for registration since the date prescribed for the purposes of this paragraph by the EAC Regulations and who are eligible to have their names included in the final register for the Village.

(4) 在上訴的聆訊中，上訴人或任何其他與上訴有關的人有權親自出席，而上訴人不論是否親自出席，均有權由一名法律執業者或任何其他人士代表。

#### 第 4 部

#### 選舉的進行

#### 20. 局長須指明舉行鄉村一般選舉的日期

- (1) 每條鄉村的首屆鄉村一般選舉須於 2003 年舉行。
- (2) 在根據第 (1) 款舉行鄉村的首屆鄉村一般選舉之後，每四年須舉行該村的鄉村一般選舉。
- (3) 局長須——
  - (a) 指明根據本條舉行某鄉村的鄉村一般選舉的日期(可多於一個日期)；及
  - (b) 在憲報刊登關於該日期或該等日期的公告。
- (4) 局長可為不同鄉村的鄉村一般選舉指明不同的舉行日期。
- (5) 按上述規定指明的日期須在有關的村代表的新任期開始前的 3 個月至開始前的 1 個月的期間內。

#### 21. 舉行鄉村補選以填補村代表職位空缺

- (1) 選管會須在以下情況出現時而不得在其他情況下，按照選管會規例為鄉村安排舉行一項鄉村補選——
  - (a) 局長根據第 12 條宣布該村的村代表職位出缺；
  - (b) 選舉主任根據第 29(2) 條宣布該村的選舉未能完成，或在第 29(2)(b) 條所述的範圍內未能完成；
  - (c) 選舉主任根據第 30(1) 條宣布該村的選舉程序已經終止；及

(4) At the hearing of the appeal, the appellant or any other person concerned in the appeal is entitled to appear in person and, whether or not the appellant appears in person, to be represented by a legal practitioner or any other person.

#### PART 4

#### CONDUCT OF ELECTION

#### 20. Secretary to specify dates for village ordinary elections

- (1) The first village ordinary election for a Village shall be held in 2003.
- (2) A village ordinary election for a Village shall be held in each subsequent fourth year after the first village ordinary election for the Village is held under subsection (1).
- (3) The Secretary shall—
  - (a) specify a date or dates for holding a village ordinary election for a Village under this section; and
  - (b) give notice of the date or dates in the Gazette.
- (4) The Secretary may specify different dates for holding village ordinary elections for different Villages.
- (5) The date or dates so specified is or are not to be earlier than 3 months and not later than one month before the new term of office of the Village Representative concerned is to begin.

#### 21. Village by-election to be held to fill vacancy in office of village representative

- (1) The Electoral Affairs Commission shall, in accordance with the EAC Regulations, arrange for a village by-election for a Village to be held in the following circumstances and not otherwise—
  - (a) on the making of a declaration under section 12 as to the existence of a vacancy in the office of village representative for the Village;
  - (b) on the making of a declaration under section 29(2) that an election for the Village has failed, or has failed to the extent mentioned in section 29(2)(b);
  - (c) on the making of a declaration under section 30(1) that the proceedings for an election for the Village have been terminated; and

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(2) 如在某鄉村的選舉投票結束後但在宣布選舉結果前，該村的選舉主任得悉某名獲有效提名參加該村的選舉的候選人已去世或喪失當選資格，則該選舉的程序不得在該階段終止。如就該選舉進行的點票仍未開始或正在進行，則須開始點票或繼續進行點票，猶如該候選人去世或喪失當選資格一事並無發生一樣。

(3) 如在點票結束後，發覺第(2)款所述的候選人在選舉中勝出，則選舉主任須按照選管會規例公開宣布——

(a) 該選舉未能完成；或

cf → clause 31(7)(b)(ii) (b) (如在該選舉中須選出多於一名有關鄉村的村代表，而且有另一名候選人獲選出) 在該村的選舉中所選出的候選人人數少於該村的選舉須選出的村代表人數的範圍內，該選舉未能完成。

### 31. 投票及點票的制度

(1) 在每項有競逐的選舉中——

- (a) 須進行投票讓舉行選舉的鄉村的選民投票；
- (b) 投票須以不記名投票方式進行；及
- (c) 選舉須按照選管會規例進行。

(2) 鄉村的選舉主任負責按照本條例及選管會規例監督該村的選舉。

(3) 投票及點票均須按照簡單或相對多數選舉制(亦稱為“得票最多者當選”投票制)進行。

(4) 在鄉村的選舉中，該村的選民只可投數目不超過在該選舉中須選出的該村村代表人數的候選人一票。

(5) 凡競逐鄉村的選舉的候選人數目超過在該選舉中須選出的該村村代表數目——

- (a) 如在該選舉中只須為該村選出一名村代表，則在選舉中獲得最多票數的候選人即當選為該村的村代表；及

(2) If, after the close of polling for an election for a Village but before declaring the result of the election, it comes to the knowledge of the Returning Officer for the Village that a validly nominated candidate for election for the Village has died or is disqualified from being elected, the proceedings for the election are not to be terminated at that stage. If the counting of votes in respect of the election has not begun or is being conducted, the counting of votes is to begin or to continue as if the death or disqualification had not occurred.

(3) If, after the counting of votes is finished, the candidate mentioned in subsection (2) is found to be successful at the election, the Returning Officer shall, in accordance with the EAC Regulations, publicly declare the election—

(a) to have failed; or

(b) (where more than one Village Representative is to be returned for the Village at the election and there is another candidate returned for the Village) to have failed to the extent that the number of candidates returned for the Village at the election was less than the number of Village Representatives to be returned for the Village at the election.

### System of voting and counting of votes

(1) At every election that is contested—

- (a) a poll shall be taken of the electors for the Village for which the election is held;
- (b) the voting at the poll shall be by secret ballot; and
- (c) the election shall be conducted in accordance with this Ordinance and the EAC Regulations.

(2) The Returning Officer for a Village is responsible for supervising an election for the Village in accordance with this Ordinance and the EAC Regulations.

(3) The votes shall be given and counted in accordance with the simple relative majority system of election (otherwise known as the “first past the post” system of voting).

(4) At an election for a Village, an elector for the Village may vote for not more than the number of Village Representatives to be returned for the Village at the election.

(5) Where an election for a Village is contested by more candidates than the number of Village Representatives to be returned for the Village at the election—

- (a) if one Village Representative is to be returned for the Village at the election, the candidate to be elected as the Village Representative for the Village is the one who obtains the greatest number of votes at the election; and

(b) 如在該選舉中須為該村選出多於一名村代表，則候選人須按在選舉中得票多寡順序排列，數目相等於指定村代表職位數目的最前列候選人即當選為該村的村代表。

(6) 如在鄉村的選舉的點票結束後該村尚須選出一名村代表，而獲得最多票數的候選人或餘下獲得最多票數的候選人(視屬何情況而定)獲相同的票數，則該村的選舉主任須以抽籤方式決定選舉結果。中籤的人即為在該村的選舉中當選。

(7) 在決定鄉村的選舉結果後，該村的選舉主任須在切實可行的範圍內，盡快按照選管會規例公開宣布在選舉中勝出的候選人是妥為選出的該村的村代表。

(8) 儘管有第(7)款的規定，如在宣布某鄉村的選舉的結果前，該村的選舉主任得悉在該選舉中勝出的候選人已去世或喪失當選資格，則該選舉主任——

(a) 不得宣布該候選人當選；及

(b) 必須根據第 30(3) 條公開宣布——

(i) 該選舉未能完成；或

cf clause 30(3)(b) → (ii) (如在該選舉中須選出多於一名該村的村代表，而且有另一名候選人就該村獲選出) 在該選舉中就該村選出的候選人人數少於該選舉中選出的該村的村代表人數的範圍內，該選舉未能完成。

### 32. 不遵從本條例規定的後果

在為質疑選舉的有效性而提出的任何法律程序中，如法庭覺得該選舉按照本條例及《選舉管理委員會條例》(第 541 章)所定的原則進行，而儘管——

(a) 根據第 65 條訂立的規例或選管會規例不獲遵從；或

(b) if more than one Village Representative is to be returned for the Village at the election, the candidates to be elected as the Village Representatives for the Village are those who obtain the greatest number of votes at the election and then the next greatest and so on until the required number of Village Representatives is elected.

(6) If, after the counting of votes in respect of an election for a Village is finished, a Village Representative is still to be returned for the Village at the election and the most successful candidates or the most successful candidates remaining (as the case may be) have an equal number of votes, the Returning Officer for the Village shall determine the result of the election by drawing lots. The person on whom the lot falls shall be returned for the Village at the election.

(7) As soon as practicable after determining the result of an election for a Village, the Returning Officer for the Village shall, in accordance with the EAC Regulations, publicly declare the candidate who was successful at the election to be duly elected as a Village Representative for the Village.

(8) Despite subsection (7), if, before declaring the result of an election for a Village, it comes to the knowledge of the Returning Officer for the Village that the candidate who was successful at the election has died or is disqualified from being elected, the Officer—

(a) shall not declare that candidate as elected; and

(b) shall publicly declare under section 30(3) that the election—

(i) has failed; or

(ii) (where more than one Village Representative is to be returned for the Village at the election and there is another candidate returned for the Village) has failed to the extent that the number of candidates returned for the Village at the election was less than the number of Village Representatives to be returned for the Village at the election.

### Consequences of non-compliance with requirements of this Ordinance

In any proceedings brought to question the validity of an election, the court shall not declare the election to be invalid only because of—

(a) a failure to comply with the regulations made under section 65, or the EAC Regulations; or

- (c) 停止進行呈請，則呈請人有法律責任支付答辯人的訟費。
- (8) 如有多於一名呈請人，則必須得到所有呈請人的同意，才可提出撤回、放棄或停止進行選舉呈請的申請。
- (9) 任何人——
- 違反第(1)款；或
  - 不遵守第(6)款而無合理辯解，
- 即屬犯罪，一經定罪，可處第2級罰款及監禁6個月。

#### 47. 選舉呈請終止的時間

- 如選舉呈請是由一名呈請人提出而該人去世，則該呈請即告終止。
- 如選舉呈請是由多於一名呈請人提出的，則該呈請於該等呈請人中最後尚存者去世時即告終止。
- 選舉呈請根據本條終止，並不影響已故呈請人的遺產或任何其他人士須支付該呈請終止之前已招致的訟費的法律責任。
- 在選舉呈請根據本條終止時，高等法院司法常務官須在憲報刊登終止公告。
- 任何本可就有關的選舉提出選舉呈請的人，均可於上述公告刊登後的14天內，以書面向法庭申請代入為呈請人。法庭在接獲該等申請後，如認為適當，可將申請人代入原來的呈請人。
- 代入的呈請人須親自或由他人代其提供的保證金，須與原來的呈請人須親自提供或由他人代為提供的相同。

#### 48. 答辯人何時可退出選舉呈請的法律程序和由他人代入

- 如在任何選舉呈請的審訊開始前，答辯人(選舉主任除外)——

  - 去世、辭職或在其他情況下停任與該呈請有關的村代表職位；或
  - 向高等法院司法常務官發出他不擬反對該呈請的通知，

司法常務官須在憲報刊登關於此事的公告。

- (c) the petitioner ceases to prosecute the petition.
- (8) If there are 2 or more petitioners, an application to withdraw or abandon, or to cease to prosecute, the election petition can be made only with the consent of all the petitioners.
- (9) Any person who—
- contravenes subsection (1); or
  - without reasonable excuse, fails to comply with subsection (6),
- commits an offence and is liable on conviction to a fine at level 2 and to imprisonment for 6 months.

#### When an election petition is terminated

- If an election petition is lodged by one petitioner, the petition is terminated by that petitioner's death.
- If an election petition is lodged by 2 or more petitioners, the petition is terminated if the last remaining petitioner dies.
- The termination of an election petition under this section does not affect the liability of the estate of the deceased petitioner, or the liability of any other person, for the payment of costs previously incurred.
- On the termination of an election petition under this section, the Registrar of the High Court shall publish in the Gazette a notice of the termination.
- Within 14 days after the publication of such a notice, any person who could have lodged an election petition in respect of the election concerned may apply to the Court in writing to be substituted as a petitioner. On receiving such an application, the Court may, if it thinks appropriate, substitute the applicant for the original petitioner.
- The same security shall be given by or on behalf of the substituted petitioner as would be required to be given by or on behalf of the original petitioner.

#### When respondent can withdraw from election petition proceedings and be substituted

- If, before the trial of an election petition, a respondent other than a Returning Officer—

  - dies, resigns or otherwise ceases to hold the office of village representative to which the petition relates; or
  - gives the Registrar of the High Court notice that the respondent does not intend to oppose the petition,

the Registrar shall publish in the Gazette a notice of that fact.



第 6 部

主任的委任及職能

51. 選舉登記主任及助理的委任

- (1) 局長須為登記各項選舉的選民，委任一名選舉登記主任及符合局長覺得需要的數目的助理選舉登記主任。
- (2) 選舉登記主任具有本條例或選管會規例、或根據本條例或選管會規例賦予或委予他的職能。
- (3) 助理選舉登記主任可在選舉登記主任的授權下，執行選舉登記主任的職能。
- (4) 局長須在憲報刊登關於某人獲委任為選舉登記主任和該名主任的地址的廣告。
- (5) 政府須確保選舉登記主任獲提供他根據本條例或選管會規例執行其職能所需的職員。
- (6) 選舉登記主任在根據本條例或選管會規例執行其職能時所正當招致的支出須由政府一般收入中撥付。

52. 選舉登記主任可指明格式

選舉登記主任可指明施行本條例所需的申請表格、通知書、報表、紀錄或其他文件的格式。

53. 審裁官的委任

- (1) 終審法院首席法官可為施行本條例而委任任何裁判官為審裁官。
- (2) 如並無根據第 (1) 款作出的委任，則高等法院司法常務官須視為審裁官。
- (3) 審裁官具有本條例或根據本條例委予或賦予他的職能。

cf clause 51(2)

imposed = 賦予

conferred = 委予

PART 6

APPOINTMENT AND FUNCTIONS OF OFFICERS

Appointment of Electoral Registration Officer and assistants

- (1) The Secretary shall appoint an Electoral Registration Officer and a number of Assistant Electoral Registration Officers as appears to the Secretary to be necessary for the purposes of registering persons as electors at elections.
- (2) The Electoral Registration Officer has such functions as are imposed or conferred on the Officer by or under this Ordinance or the EAC Regulations.
- (3) An Assistant Electoral Registration Officer may, with the authority of the Electoral Registration Officer, perform the functions of Electoral Registration Officer.
- (4) The Secretary shall publish in the Gazette a notice of the appointment of a person as the Electoral Registration Officer and the Officer's functions.
- (5) The Government shall ensure that the Electoral Registration Officer is provided with such staff as the Officer requires in order to perform the Officer's functions under this Ordinance or the EAC Regulations.
- (6) Expenses properly incurred by the Electoral Registration Officer in the performance of the Officer's functions under this Ordinance or the EAC Regulations are a charge on, and are payable from, the general revenue.

Electoral Registration Officer may specify forms

The Electoral Registration Officer may specify the form of any application, notice, return, record or other document required for the purposes of this Ordinance.

Appointment of Revising Officer

- (1) The Chief Justice may appoint any magistrate to be a Revising Officer for the purposes of this Ordinance.
- (2) If no appointment is made under subsection (1), the Registrar of the Court is taken to be a Revising Officer.
- (3) A Revising Officer has such functions as are imposed or conferred on the Officer by or under this Ordinance.

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(4) 審裁官在執行其職能時，具有裁判官根據《裁判官條例》(第 227 章) 第 21、22、99、125 及 126 條具有的權力及豁免權。

#### 54. 選舉主任及助理的委任

(1) 選管會須為使鄉村的選舉能舉行而為每一鄉村委任一名選舉主任及符合局員覺得需要的數目的助理選舉主任。

(2) 選舉主任具有本條例或選管會規例、或根據本條例或選管會規例委予或賦予他的職能。  
*cf cl. 5(2)*

(3) 助理選舉主任可在有關選舉主任的授權下，執行選舉主任的職能。

(4) 局長須在憲報刊登關於某人獲委任為選舉主任和該名主任的地址的公告。

(5) 政府須確保每名選舉主任均獲提供他根據本條例或選管會規例執行其職能所需的職員。

(6) 選舉主任在根據本條例或選管會規例執行其職能時所正當招致的支出，須由政府一般收入中撥付。

#### 55. 妨礙或阻撓選舉事務主任的罪行

任何人無合理辯解而妨礙、阻撓或干擾選舉事務主任執行本條例或《選舉管理委員會條例》(第 541 章)，或根據本條例或《選舉管理委員會條例》(第 541 章) 委予或賦予的職能，即屬犯罪，一經定罪，可處第 2 級罰款。  
*cf. clause 5(2)*

#### 56. 局長可就選舉事務主任如何執行職能發出指示

(1) 局長可一般地或在任何特定情況下，就選舉事務主任執行他根據本條例或《選舉管理委員會條例》(第 541 章) 具有的關於舉行或進行選舉的任何職能發出不抵本條例或《選舉管理委員會條例》(第 541 章) 的指示。

(4) A Revising Officer has, when performing the Officer's functions, the powers and immunities of a magistrate under sections 21, 22, 99, 125 and 126 of the Magistrates Ordinance (Cap. 227).

#### 54. Appointment of Returning Officers and assistants

(1) The Electoral Affairs Commission shall appoint for each Village a Returning Officer and such number of Assistant Returning Officers as appears to the Secretary to be necessary to enable an election to be held for the Village.

(2) A Returning Officer has such functions as are imposed or conferred on the Officer by or under this Ordinance or the EAC Regulations.

(3) An Assistant Returning Officer may, with the authority of the Returning Officer concerned, perform the functions of Returning Officer.

(4) The Secretary shall publish in the Gazette a notice of the appointment of a person as a Returning Officer and the Officer's address.

(5) The Government shall ensure that each Returning Officer is provided with such staff as the Officer requires in order to perform the Officer's functions under this Ordinance or the EAC Regulations.

(6) Expenses properly incurred by a Returning Officer in the performance of the Officer's functions under this Ordinance or the EAC Regulations are a charge on, and are payable from, the general revenue.

#### 55. Offence to obstruct or hinder electoral officer

A person who, without reasonable excuse, obstructs or hinders, or interferes with, an electoral officer in the performance of a function imposed, conferred, by or under this Ordinance or the Electoral Affairs Commission Ordinance (Cap. 541) commits an offence and is liable on conviction to a fine of level 2.

#### 56. Secretary may give directions as to performance of electoral officer's functions

(1) The Secretary may give directions, not inconsistent with this Ordinance or the Electoral Affairs Commission Ordinance (Cap. 541), either generally or in any particular case, with respect to the performance by an electoral officer of any of the officer's functions under this Ordinance or the Electoral Affairs Commission Ordinance (Cap. 541) with respect to the holding or conduct of an election.